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Section II: REMARKS

It is respectfully requested that the changes as noted above in Section I be made to the present application.

In the above referenced Office Action, which was mailed on 6/28/2004, claims 1-21 were rejected under 35 USC 103(a) as being unpatentable over Toohey (U.S. Patent 6,405,176, hereinafter referred to as "Toohey"), in further view of "Official Notice". The above noted rejections are respectfully traversed. However, in order to further the prosecution of the present application, and without waiving any of applicant's rights to argue the allowability of the originally presented claims in a subsequent appeal or other proceeding in the event that the Examiner does not concur that the present amendment places the application in condition for allowance, applicant has herein amended the claims to place them in condition for allowance.

It is noted that the present application includes claims 1-21, with claims 1, 8 and 15 being independent claims, and claims 2-7 being ultimately dependent from claim 1, claims 9-14 being ultimately dependent from claim 8 and claims 16-21 being ultimately dependent from claim 15. Independent claims 1, 8 and 15 have herein been amended to clarify that, in accordance with the present invention, the virtual store discount schedule includes separate discount schedules for each supplier of items offered for sale at the virtual store. Additional changes have been made to several of the remaining claims for consistency of language.

With regard to the cited reference, it is noted that Toohey discloses a system in which several purchases may be combined

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into a single check-out process such that only a single payment is required for all items purchased. Toohey does not disclose, teach or even suggest a virtual store discount system in which different suppliers provide different discount schedules. On page 2 of the Office Action, the Examiner states that Toohey does not explicitly teach providing discount schedules, but the Examiner relies on what is termed "Official Notice" that for on-line shopping, it is well known for merchants to provide a variety of discounts, and that it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate individual merchant's discounts into the ledger of Toohey. Applicant respectfully traverses this rejection for two reasons. Firstly, there is no disclosure, teaching or even suggestion in Toohey to incorporate a discount system in which different suppliers have different discount schemes, and secondly **applicant does not agree that it is old and well known in the art to incorporate differing discount schedules from different merchants into a virtual store discount schedule as specifically recited in the context of the independent claims.** It is further noted that, with regard to claims 6-7, 13-14 and 20-21, there is no suggestion in Toohey of saving the sales information records, **extracting supplier related discount information from those customer sales records and notifying the suppliers of the discounts provided in those records.** The above-referenced Office Action appears to reject claim 6 based only on saving sales records without any regard for the additional recitation of extracting supplier information from the customer sales records in order to notify the suppliers of the discounts applied to customer sales. Applicant believes that Toohey alone provides insufficient disclosure for the rejection of claims 1-21 and provides no basis at all for the rejection of claims 6-7, 13-14 and 20-21.

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It should be noted that applicant is claiming only that the **total combination** of elements **and relationships** as recited in the claims as herein amended, is neither anticipated nor rendered obvious by the cited reference. Applicant is aware the individual elements of any claim can be isolated, and, when standing alone, those elements can be found in existing references. The similarity of various pieces and parts of the references as noted on pages 2-4 of the above-identified Office Action have been noted but it is believed that there is no suggestion of the total combination of elements and relationships as recited in the claims as herein amended. Where there is no teaching or suggestion in any of the references for the **specific total combination** of elements **and relationships** among those elements, as claimed by an applicant, it is submitted to be inappropriate to search the prior art using applicant's own disclosure as a recipe, to find piecemeal elements in prior art references for individual claimed elements, and then to combine those elements in a manner not disclosed within the reference themselves, but rather only as disclosed by the applicant, in order to reject applicant's own claims.

It is therefore believed that claims 1-21 are allowable under 35 USC 103(a) over the cited Toohey reference even in view of the "Official Notice" (as alleged by the Examiner but specifically traversed by the applicant).

Thus, it is submitted that claims 1-21, as herein presented, are believed to be in condition for allowance, an early notice of which is hereby requested. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting the allowance of this application, the Examiner is invited to contact

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the undersigned at the telephone number indicated below. The Examiner's attention to this matter is greatly appreciated.

Respectfully submitted,

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